IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 18384 of 2004

Between:

1 Vishnu Dutt, S/o. Late Sri Indermal,
R/o. Plot No.114, Trimurty Colony, Mahender Hills, Secunderabad.
2 Smt. Babita Gupta, W/o. Vishnu Dutt Gupta,
R/o. Plot No.114, Trimurty Colony, Mahender Hills, Secunderabad.

..... PETITIONERS

AND

1 Government of A.P., rep. by the Principal Secretary to Revenue Dept.,
Secretariat, Hyderabad.
2 The District Collector, Hyderabad District, Hyderabad.
3 Mandal Revenue Officer, Marredpally Mandal, Secunderabad

Cantonment, Secunderabad.
4 Cantonment Board, rep. by its Executive Officer,
Picket, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue and order, direction or writ particularly one in the nature of writ of Mandamus declaring the action of the Respondents in interfering with the possession in Plot bearing No.102 forming part of the Survey No.74/8 or GLR No.396 admeasuring 453 Sq. yds., or equivalent to 378.75 Sq. mts., situated at East Marredpally, Secunderabad cantonment, Hyderabad District, as being illegal, arbitrary and unconstitutional and in breach of principles of natural justice and consequently direct the Respondents not to interfere with in any manner by demolition, dispossession or otherwise with the Petitioners rights over the said property except

in accordance with law.

Counsel for the Petitioner : Mr.PAWAN KUMAR AGARWAL

Counsel for Respondent : G.P. FOR REVENUE

The Court at the stage of admission, made the following :

ORDER:

Heard the learned counsel for petitioner and the learned Government Pleader for respondents and both of them agreed for disposal of the writ petition finally at the stage of admission.

The petitioners claims to be owners of property bearing Plot No.102 forming of Survey Nos.74/8 or GLR No.396 admeasuring 453 sq.yards, situated at East Marredpally, Secunderabad purchased under registered sale deed dated 25.6.1997.

The case of the petitioners is that when the Executive Officer, Secunderabad Cantonment refused to grant construction permission over the above property, they filed W.P.Nos.4735 and 4743 of 1998 and the same was disposed of by this Court on 20.2.1998 with a direction that the petitioners can re-submit their application for construction permission before the Cantonment Board authorities and if any such objection as was earlier taken by the District Collector imposing restrictions on the said survey number, the Cantonment Board shall consider the petitioners stand and pass appropriate orders.

It is stated that petitioners made application to the Cantonment Board on 5.3.2003 and commenced the construction over the property and at this stage, the respondents are interfering with the construction work undertaken by the petitioners.

It is nowhere stated by the petitioners that the Cantonment Board has permitted them to make constructions over the property. The learned Government Pleader submits that the petitioners are respondents in a land grabbing case, where Collector initiated proceedings under Land Grabbing Act and in view of pendency of the land grabbing case, the petitioners are not entitled to make constructions.

In view of the same, the respondents are under obligation to issue necessary notice to the petitioners calling upon the petitioners not to make any constructions till the disposal of the land grabbing case. If the petitioners intend to proceed with the

construction, they have to approach the Land Grabbing Court and seek appropriate orders for proceeding with the construction, which will be subject to the result of the Land Grabbing Case.

The writ petition is accordingly disposed of. No costs.

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A.GOPAL REDDY, J

Date: 8.10.2004

DA

To

1 The Principal Secretary, Government of A.P., Revenue Department, Secretariat, Hyderabad.
2 The District Collector, Hyderabad District, Hyderabad.
3 The Mandal Revenue Officer, Marredpally Mandal, Secunderabad

Cantonment, Secunderabad.
4 The Executive Officer, Cantonment Board, Picket, Secunderabad.

5 Two CCs to the G.P. for Revenue, High Court Buildings, Hyderabad.

6 Two CD copies.